

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0515-03
Bill No.: HCS for SB 184
Subject: Crimes and Punishment; Criminal Procedure; Highway Patrol
Type: Original
Date: May 9, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue*	(\$1,291,288)	(\$600,899)	(\$663,912)
Total Estimated Net Effect on General Revenue Fund*	(\$1,291,288)	(\$600,899)	(\$663,912)

*MHP costs subject to appropriation (\$570,341 FY 04; \$121,799 FY 05; \$180,236 FY 06)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Criminal Records Systems	\$1,679,022	\$206,025	\$200,881
Highway	(\$6,360)	\$0	\$0
Urban and Teacher Education Revolving	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$1,672,662	\$206,025	\$200,881

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 20 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Federal	(\$265,556)	(\$158,645)	(\$158,645)
Total Estimated Net Effect on <u>All</u> Federal Funds	(\$265,556)	(\$158,645)	(\$158,645)

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Transportation, Missouri Gaming Commission, Office of Secretary of State, Linn State Technical College, Truman State University, and the University of Missouri** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume Section 43.650 of the proposed legislation would only be implemented subject to appropriations. This section would require the development of an Internet application to import data from the existing Sex Offender Registry and make it available as an Internet application. Application, interface, and network support would be required. Additionally, the photograph requirement needs to be addressed as to the responsibility of input and format.

ASSUMPTION (continued)

The MHP's Information Systems Division (ISD) would require 2 FTE Computer Information Tech Specialists I (CITS) (each at \$41,556 per year) as a result of the legislation. They would be responsible for designing, developing, maintaining the application and hardware, ensuring security, and monitoring the network infrastructure for the web site. They would require the standard office equipment.

ISD would also require consulting services to mentor, facilitate, and educate the new CITS on the initial design and development of the application to post the registry to the web site and the specialized searching based upon submitted criteria. The system would be a Lotus Notes implementation, with cost estimates utilizing state contract prices. ISD estimates the cost of these consulting services to be \$107,000 in FY 04. ISD would also require hardware and software capable of hosting the new application and accommodating the anticipated increase in server access traffic.

ISD estimates the cost to the General Revenue Fund to be \$562,683 in FY 04; \$184,724 in FY 05; and \$189,610 in FY 06.

The MHP's Criminal Records and Identification Division (CRID) assumes there would be approximately 600 new registered offenders each year due to the provisions in Section 43.650, which would only be implemented subject to appropriations. Each registrant would require Internet entry and verification. The associated fingerprint card would need to be prepared, verified, entered, and scanned/refiled. In addition, updates to the 9,000 existing registered offenders would be required. Therefore, CRID would require 2 FTE AFIS Entry Operators (each at \$18,132 per year) to enter the sex offender registrants onto the Internet, to handle questions and complaints, and to enter and verify updates. These FTE would require standard office equipment. CRID estimates the cost to the Criminal Records Systems Fund to be \$53,906 in FY 04; \$58,298 in FY 05; and \$59,759 in FY 06.

The MHP also assumes the proposed legislation would also revise various criminal background checks the MHP conducts for the Department of Revenue, Department of Elementary and Secondary Education, and the Department of Social Services – Division of Family Services.

The MHP's Information Systems Division (ISD) anticipates an increase in the number of additions and modifications at the State Data Center based on the number of checks created by the proposed legislation. ISD estimates that the number of fingerprint backgrounds would increase by 165,686 in the first year (124,465 *DESE + 32,071 *DFS +9,150 *DOR). After the

initial onset of backgrounds, ISD estimates that there would be 48,555 ($27,382 + 19,160 + 2,013$) each year. This would require 165,686 applicant/participant records be created and modified in ASSUMPTION (continued)

the first year, and 48,555 to be modified annually thereafter.

For every background check, there is an inquiry and response to both the state data center and the FBI, which results in at least 4 CICS transactions per background check. Estimating that it takes 20 times more service units for creation/modification than just an average inquiry, ISD estimates the State Data Center Charges to be \$11,658 in the first year and \$3,390 per subsequent year.

Based on processing 48,555 fingerprint cards per year, the MHP's Criminal Records and Identification Division (CRID) would require 5 new FTE as a result of the proposed legislation. These FTE would be placed on shifts as needed. It is expected that most of the FTE would be 2nd and 3rd shift employees, so they would not require any equipment. However, if any are placed on the 1st shift, standard equipment will be needed at a cost of \$3,339 per FTE (one time) and \$635 per FTE (recurring). These FTE would consist of 3 FTE Fingerprint Technicians (each at \$21,192 per year) to verify and provide quality control on "hit/no hit" criteria utilizing the AFIS system to answer positive matches; 1 FTE AFIS Entry Operator (at \$18,132 per year) to compare, verify, and maintain current name search criminal history record information and also determine through on-line sources prior criminal history in order to update RAP sheets and release results to requesting agencies; and 1 FTE Fingerprint Technician Supervisor (at \$29,592 per year) to supervise and oversee the fingerprint processing and AFIS criminal history record information, and supervise the workflow process to commingle with priority and first in, first out processing.

The proposed legislation would affect Total State Revenue. The cost per each fingerprint check is \$38 (\$14 for state check, \$24 for FBI check pass through). For FY 04, $133,615 \times \$38 = \$5,077,370$. Of this amount, \$3,206,760 ($133,615 \times \24) will be passed through to the FBI for the cost of the FBI fingerprint checks. \$1,870,610 ($133,615 \times \14) will remain in the Criminal Records System Fund. For subsequent years, $29,395 \times \$38 = \$1,117,010$. Of this amount, \$705,480 ($29,395 \times \24) will be passed through to the FBI for the cost of the FBI fingerprint checks. \$411,530 ($29,395 \times \14) will remain in the Criminal Records System Fund.

The MHP did not include the revenue for the Division of Family Services because foster parents are not required to pay for the state portion of their background checks, so it would not result in new money for the Criminal Record System Fund. The money received for the nationwide check is passed through to the FBI. It would be $32,071 \times \$24 = \$769,704$ for the first year and $19,160 \times \$24 = \$459,840$ for each subsequent year.

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ASSUMPTION (continued)

Oversight assumes the Missouri State Highway Patrol's Information Systems Division (ISD) would require 2 FTE in FY 04 to design, develop, maintain the system. Oversight assumes ISD would require 1 FTE in subsequent years to maintain the system. This is subject to appropriation.

In response to similar legislation, officials from the **Office of State Public Defender** assumed existing staff could provide representation for those few cases arising where indigent persons were charged with failure to provide honest answers on applications requesting personal histories, specifically criminal information. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Department of Mental Health (DMH)** assume the legislation would result in no change to current practice and procedure. DMH will continue to conduct Highway Patrol and FBI fingerprint screening for criminal background histories on all prospective new employees. DMH will continue to collaborate with the Department of Health and Senior Services in providing and sharing registry information. DMH assume the legislation imposes no new fiscal impact to their department.

In response to similar legislation, officials from the **School District of Kansas City (KCSD)** assumed there will be additional cost to the district to obtain two sets of fingerprints from each applicant. This proposal indicates that the cost of the background checks could be passed on to applicants. It is highly unlikely that a teacher applicant will be willing to pay the fee given the current nation wide teacher shortage. For 300 applicants at \$14 per applicant, KCSD estimated the cost of the proposal to be \$4,200.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the changes in Section 43.540 allow a qualified entity to obtain a Missouri criminal record review and a national criminal record review of a provider through an authorized state agency. Included in the definition of "provider" is any person who has or may have unsupervised access to children. Included in the definition of "qualified entity" is any organization that provides educational services for children. DESE states, for FY 2002, there were 124,465 pupil-contact individuals throughout the state's districts. At \$36 each for the national and state background checks, DESE estimates the cost to school districts to be \$4,480,740 (124,465 x \$36) in FY 04. Average turnover for teachers, administration, librarians, special services, and certified personnel in Missouri's elementary, junior high, and high schools is 22 percent. Assuming a 22 percent

turnover rate, DESE estimates the cost for subsequent fiscal years to be \$985,763.

ASSUMPTION (continued)

Oversight assumes the amount collected and passed through to the Missouri State Highway Patrol for criminal history checks to be \$38 each, or \$4,729,670 (124,465 x \$38) in FY 04 and \$1,040,516 (27,382 x \$38) in each subsequent year. Oversight is showing the fiscal impact to school districts as a cost of \$0 to \$4,729,670 in FY 04 and \$0 to \$1,040,516 in subsequent years because the language is permissive. It would be a local school district decision as to how much of the cost to reimburse to the individuals.

In response to similar legislation, officials from the **Office of Prosecution Services** assume the provision in Section 43.503 requiring prosecutors to submit criminal information every 15 days rather than 30 days would have increased personnel costs to prosecutors' offices.

In response to similar legislation, officials from the **Department of Corrections (DOC)** assumed this bill, if passed into law, revises various criminal background checks. Penalty provisions for violations, the component of the bill to have potential fiscal impact for DOC, is for a class A misdemeanor. DOC also has a concern due to proposed language indicating MHP as the central repository of criminal records. DOC is uncertain whether the proposal precludes DOC (or any other agency) from keeping their own records, or whether the intent is that the records kept by MHP are the "official" records.

The DOC cannot currently predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY02 average of \$3.10 per offender, per day or an annual cost of \$1,132 per offender).

The DOC does not anticipate the need for capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be

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absorbed within existing resources.

ASSUMPTION (continued)

Officials from the **Department of Revenue (DOR)** assume Section 43.530 of the legislation will now require fingerprint collection for those applicants applying for a school bus permit, and the criminal history search to be based on those fingerprints. This will require the Customer Assistance Bureau to ask for applicants to submit their fingerprints on approved cards, which were obtained from the applicant's local law enforcement agencies. The Customer Assistance Bureau then would submit those fingerprints to the Highway Patrol with DOR's request for criminal history checks. Fees for the required criminal record checks would be paid for by the permit applicant.

This proposal will require the DOR's Information Technology Bureau to make programming changes to the school bus system to allow for the extra charges to be kept in the system and the extra costs to be calculated. DOR would also have to modify the program to calculate the price for the individual applicant that does not have the bus company pay for their permit. DOR would also have to modify the accounting report to include the breakdown of the dollars that would need to be sent to the highway patrol.

FY04

120	Hours of overtime for school bust permit system programming required
<u>x \$23</u>	Overtime hourly programming rate for a Computer Information Technologist III
\$2,760	Total cost for school bus permit system programming

This proposal will require programming changes to MTAS in order to collect the fees for the criminal history checks and to disburse the fees to highway patrol.

FY04

80	Hours of overtime programming for MTAS
<u>x \$25</u>	Overtime hourly programming rate for a Computer Information Technologist III
\$2,000	Total cost for MTAS programming

This proposal will require testing of the program changes made to collect the criminal record search fee from the applicant.

FY04

80	Hours of overtime programming for testing
<u>x \$20</u>	Hourly overtime rate for Computer Information Technologist II
\$1,600	Total overtime testing costs

ASSUMPTION (continued)

The proposal will create increased collections to the Criminal Record System Fund. This increase is due to increased costs charged by the Missouri State Highway Patrol for fingerprint based record searches. Currently, the Department of Revenue requests records by name and date of birth via electronic data exchange. The patrol completes these record checks at no cost. The fingerprint based searches will require the Department of Revenue to collect the \$14.00 record search fee from each applicant and an additional \$24 for the federal background check. The department will transmit the total collection to the patrol via SAMII. The patrol will deposit the total collections in the Criminal Record System Fund and make monthly disbursement to the Department of Justice for the remaining collections.

Officials from the **Department of Health and Senior Services (DHSS)** did not respond to Oversight's request for fiscal impact. However, in response to a similar proposal, officials assumed the proposed legislation would expand the role of the Family Care Safety Registry (FCSR) to consolidate name-based background screening for caregivers. This legislation will specifically allow the FCSR to report open criminal record information and add the ability to respond to requests for one-time designated release of background screening information on individuals working for human services providers under contract, licensed or certified by state agencies who are not required by Section 210.906, RSMo, to register with FCSR.

DHSS assumes the FCSR will respond to an additional 66,036 background screening requests (16,000 employees of DMH contractors will submit designated release requests and DFS will make requests on 18,000 registered child care workers and 32,036 foster parents to access open criminal history).

Of the 66,036 additional background screening requests estimated, 16,000 will require additional data entry in order to respond to a designated release. DHSS assumes that the remaining 50,036 requests will be made for individuals whose identifying information has already been data entered and, therefore, staff will be required to initiate the electronic computer interface and interpret and compare the results obtained and make a determination of whether there is a match or "hit" in criminal history, child abuse/neglect, employee disqualification data bases or foster parent license.

DHSS assumes that FCSR will require 3.5 additional FTE: 2 FTE Health Program Representatives (HPR) I/II (each at \$34,644 per year) to process and respond to background screening requests, 1 FTE Office Support Assistant/Keyboarding (at \$20,472 per year) to process background screening result notifications, and 1 FTE Computer Info Tech Spec III (at \$60,91 per year) for 6 months to make necessary modifications to the FCSR computer program. After the

ASSUMPTION (continued)

modifications are complete, this position would not be continued. Fifty thousand dollars (\$50,000) is included for the additional computer costs.

The FCSR estimates that 1 HPR is required to data enter and respond to 16,000 new background screening requests annually and 1 HPR is required to respond to the increased volume of background requests received on individuals already identified in the Registry's computer system. The FCSR estimates that 1 office support assistant position is required to prepare the 66,036 outgoing notifications for mailing to the requestors in a timely manner.

A one-time request for the six-month salary of a computer information tech specialist and for \$50,000 for computer services is included in the fiscal note. The proposed legislation requires DHSS's Office of Information Systems staff to write computer programs to modify the existing programming for a one-time designated release and for computer access to the Sex Offender Registry information maintained by the Missouri State Highway Patrol.

DHSS was informed by the Highway Patrol that the Sex Offender information is not currently maintained as part of the existing criminal history and, therefore, requires that a separate interface be designed and programmed in order to access and retrieve that information. In addition to the new interface programming, modifications are required to the existing programs and database and to generate another type of result notification to requestors for the designated releases. DHSS estimates that the computer information tech specialist will be able to complete the modifications to the existing system in 6 months and that funds to obtain the services of a contract computer programmer for 6 months is required to provide the necessary expertise to complete the new interface to the Sex Offender Registry information.

DHSS estimates the cost of the proposal to be \$249,524 in FY 04; \$160,847 in FY 05; and \$165,027 in FY 06.

Oversight has, for fiscal note purposes only, changed the starting salaries for the FTE to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees over the last six months of FY 2002 and policy of the Oversight Subcommittee of the Joint Committee on Legislative Research. Oversight also assumes FTE would be housed within existing facilities. Therefore, no additional rent or janitorial expenses would be incurred.

ASSUMPTION (continued)

In response to a similar proposal, officials from the **Department of Social Services – Office of Early Childhood (DOS)** state the Missouri State Highway Patrol processes approximately 18,000 background checks for the Office of Early Childhood on unlicensed family home childcare providers to determine eligibility to receive childcare subsidy. There is no charge to the provider or to DOS for these background checks, which are name checks only. DOS anticipates the cost of this fee would be passed on to the childcare provider, resulting in no fiscal impact to DOS.

In response to a similar proposal, officials from the **Department of Social Services – Division of Family Services (DFS)** assume there would be approximately 16,000 vendors needing fingerprint checks in FY 04 and 9,580 vendors needing fingerprint checks in subsequent years. These vendors include relative homes, adoptive homes, and foster homes. At \$24 per check, DFS estimates the total cost to be \$769,728 in FY 04 and \$459,840 in FY 05 and FY 06. The cost to the General Revenue Fund would be \$504,172 in FY 04 and \$310,195 in FY 05 and FY 06. The cost to Federal Funds would be \$265,556 in FY 04 and \$158,645 in FY 05 and FY 06.

The proposed legislation would affect total state revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE FUND			
<u>Costs – Missouri State Highway Patrol</u> (§45.650)			
Personal Service (2, 1, 1 FTE)	(\$70,992)	(\$43,660)	(\$44,751)
Fringe Benefits	(\$35,773)	(\$22,000)	(\$22,550)
Equipment and Expense	(\$344,918)	(\$52,749)	(\$54,333)
Consulting Costs	(\$107,000)	\$0	\$0
State Data Center Charges	<u>(\$11,658)</u>	<u>(\$3,390)</u>	<u>(\$58,602)</u>
<u>Total Costs – MHP*</u>	(\$570,341)	(\$121,799)	(\$180,236)
<u>Costs – Department of Social Services</u>			
Background/criminal history checks	(\$504,172)	(\$301,195)	(\$301,195)
<u>Costs – Department of Health and Senior</u> <u>Services (DHSS)</u>			
Personal Service (3.5, 3, 3 FTE)	(\$87,899)	(\$108,116)	(\$110,819)
Fringe Benefits	(\$35,573)	(\$43,755)	(\$44,848)
Equipment and Expense	<u>(\$93,303)</u>	<u>(\$26,034)</u>	<u>(\$26,814)</u>
<u>Total Costs – DHSS</u>	<u>(\$216,775)</u>	<u>(\$177,905)</u>	<u>(\$182,481)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND*	<u>(\$1,291,288)</u>	<u>(\$600,899)</u>	<u>(\$663,912)</u>
*MHP costs subject to appropriation			

CRIMINAL RECORDS SYSTEMS FUND	FY 2004 (10 Mo.)	FY 2005	FY 2006
<u>Revenues</u> – Missouri State Highway Patrol			
Fingerprint fees	\$5,077,370	\$1,117,010	\$1,117,010
<u>Costs</u> – Missouri State Highway Patrol			
Personal Service (6 FTE)	(\$110,557)	(\$135,984)	(\$139,384)
Fringe Benefits	(\$55,710)	(\$68,522)	(\$70,236)
Equipment and Expense	(\$7,321)	(\$999)	(\$1,029)
Pass through to FBI	<u>(\$3,206,760)</u>	<u>(\$705,480)</u>	<u>(\$705,480)</u>
<u>Total Costs</u> – MHP	<u>(\$3,380,348)</u>	<u>(\$910,985)</u>	<u>(\$916,129)</u>
ESTIMATED NET EFFECT ON CRIMINAL RECORDS SYSTEMS FUND	<u>\$1,697,022</u>	<u>\$206,025</u>	<u>\$200,881</u>
 HIGHWAY FUND			
<u>Costs</u> – Department of Revenue			
Programming/testing costs (\$43.530)	<u>(\$6,360)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON HIGHWAY FUND	<u>(\$6,360)</u>	<u>\$0</u>	<u>\$0</u>

URBAN AND TEACHER EDUCATION REVOLVING FUND	FY 2004 (10 Mo.)	FY 2005	FY 2006
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Income – Department of Elementary and
 Secondary Education (DESE)

Receipts for criminal history checks (\$43.540)	\$4,729,670	\$1,040,516	\$1,040,516
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Costs – (DESE)

To Missouri State Highway Patrol for criminal history checks (\$43.540)	<u>(\$4,729,670)</u>	<u>(\$1,040,516)</u>	<u>(\$1,040,516)</u>
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**ESTIMATED NET EFFECT ON
URBAN AND TEACHER
EDUCATION REVOLVING FUND**

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FEDERAL FUNDS

Costs – Department of Social Services
 Background/criminal history checks

<u>(\$265,556)</u>	<u>(\$158,645)</u>	<u>(\$158,645)</u>
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**ESTIMATED NET EFFECT ON
FEDERAL FUNDS**

<u>(\$265,556)</u>	<u>(\$158,645)</u>	<u>(\$158,645)</u>
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FISCAL IMPACT - Local Government

FY 2004 (10 Mo.)	FY 2005	FY 2006
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POLITICAL SUBDIVISIONS

Costs – Local School Districts

Reimbursement to employees for criminal history checks (\$43.540)	\$0 to (\$4,729,670)	\$0 to (\$1,040,516)	\$0 to (\$1,040,516)
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Costs – Prosecuting Attorneys

Increased personnel costs (\$43.503)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**ESTIMATED NET EFFECT ON
POLITICAL SUBDIVISIONS**

(Unknown)

(Unknown)

(Unknown)

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

ARREST, CHARGE, AND DISPOSITION OF MISDEMEANORS AND FELONIES (including juveniles) – The proposal would require law enforcement agencies and the clerk of court to submit certain criminal arrest, charge, and disposition information to the central repository for the purpose of maintaining complete and accurate criminal history record information. If the person being reported is a juvenile and not certified as an adult, the name of the juvenile would not be made available to the central repository. The name would be provided to the court of jurisdiction by the agency taking the juvenile into custody. If the individual is certified as an adult, the court would order a law enforcement agency to fingerprint the individual. Once fingerprinted, the law enforcement agency would submit such fingerprints to the central repository (§43.503).

PAYMENTS FOR RECORDS, EXCEPTIONS – The proposal would remove the charge for information from the criminal registry for information supplied to criminal justice agencies or for state agencies screening state employees or applicants (§43.527).

FEES, METHOD OF PAYMENT – CRIMINAL RECORD SYSTEM FUND – The proposal would limit the amount the highway patrol may charge of a criminal history check to \$5 for a non-fingerprint search and \$14 for a fingerprint search. The proposal would require fingerprints to be submitted for a criminal history check before issuing a school bus operator's permit (§43.530).

WHEN RECORDS MAY BE OBTAINED – The proposal would require the criminal history and identification records obtained from the central repository to be used only for the purpose for which they were obtained. The subject of the record would be allowed to challenge the accuracy of the criminal history record. This section would also give the criminal records repository exclusive authority to engage in collecting, assembling, or disseminating criminal history records. It would be a class A misdemeanor for a person to collect or disseminate criminal history record information to anyone other than the original requestor (§43.532).

DESCRIPTION (continued)

CRIMINAL CONVICTION RECORD CHECKS – The proposal would define “authorized state agency,” “care,” “national criminal record review,” and “qualified entity” and expand the definition of “provider” to include any person who is employed by or seeks employment with a qualified entity; any person who volunteers with a qualified entity, owns or operates a qualified entity; or a person who has unsupervised access to children or the elderly. A qualified entity could obtain a criminal record review of a provider from the Highway Patrol by furnishing the information on forms that would be approved by the Highway Patrol. An authorized state agency could agree to process state and national criminal record reviews for a qualified entity (§43.540).

NATIONAL CRIME PREVENTION AND PRIVACY COMPACT – The proposal would require the state’s criminal history records repository to execute the compact on behalf of the State of Missouri (§43.542).

CERTAIN AGENCIES TO SUBMIT FINGERPRINTS – The proposal would allow certain agencies to require applicants to submit fingerprints for a criminal history check (§43.543).

SEARCHABLE SEX OFFENDER REGISTRY WEBSITE – The proposed legislation would require the highway patrol, subject to appropriation, to maintain a website on the Internet on which any person could search for registered sexual offenders by name, zip code, and a certain mile radius from an address. The website would contain the name, last known address, photograph, and crime or crimes for which the offender was convicted, for registered sexual offenders (§43.650).

COMPUTER/INTERNET-BASED VIOLATIONS – The proposed legislation would authorize the formation of multijurisdictional enforcement groups for the purpose of investigating computer or internet-based violations (§195.505).

FAMILY CARE SAFETY REGISTRY – The Family Care Safety Registry would include a check of MULES for sexual offender registrations (§210.903).

The proposal would allow the Department to determine history and background for registration-exempt workers with a completed designated-release form (§210.909).

USE OF REGISTRY INFORMATION – The proposal would allow the Department of Health and Senior Services, the Department of Mental Health, and the Department of Social Services to use registry information (§210.922).

DESCRIPTION (continued)

SEX OFFENDER REGISTRATION – Current law requires the county sheriff to forward the county's sex offender registration list to the law enforcement agencies of any city, town, or village in the county. The proposed legislation would require the list to be forwarded to the law enforcement agency for any college or university located within the county. The proposal would also require sex offenders to include in their registration information whether they are enrolled in a college and to update their registration information within seven days of changing their enrollment or employment with a college within the state (§§589.400, 589.407, 589.414).

GOVERNMENTAL BODIES AND RECORDS TO BE CONFIDENTIAL – The proposal would make closed records in Section 43.570, RSMo, available to agencies including: criminal justice agencies, person seeking criminal justice employment, screening persons with access to criminal justice facilities, law enforcement agencies for issuance or renewal of a licence, permit, certification, sentencing commission, Department of Revenue for drivers license administration, and the Department of Health and Senior Services for the purpose of licencing and regulating facilities and regulating in home service providers. A criminal justice agency receiving a request for criminal history information could require positive identification, including fingerprints (§610.120).

PROCEDURE TO EXPUNGE – This proposal would add fingerprinting to the requirements for a person wishing to have an arrest expunged from his or her record (§610.123).

DISQUALIFICATION FOR EMPLOYMENT BECAUSE OF CONVICTION – The proposal would add the disqualification listing on the Department of Mental Health disqualification registry, listing on the Department of Social Services disqualification list and pleading not guilty or nolo contendere to any crime. The proposal would add the felonies of incest, first and second degree pharmacy robbery, causing a catastrophe, first degree burglary, and abuse or neglect of residence as disqualifying crimes. This section would also add that a person receiving an suspended imposition of sentence or suspended execution of sentence of any of the crimes listed in this section would be disqualified from employment. This section would require applicants for a direct care position to sign a consent form to conduct a criminal background check and disclose his or her criminal history. The applicant would also be require to disclose if he or she is listed on the employee disqualification list. Within two days of hiring for a position having contact with patients, any public or private residential facility would be required to: (1) request a criminal background check; (2) make an inquiry to the Department of Social Services and Department of Health and Senior Services where the person is on the disqualification list; and (3) inquire the Department of Mental Health whether the person is listed on the disqualification

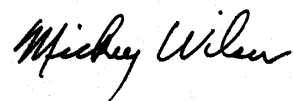
DESCRIPTION (continued)

registry. If an applicant knowingly fails to disclose his or her criminal history, he would be guilty of a class A misdemeanor. A provider would be is guilty of a Class A misdemeanor if he or she knowingly hires a person that has been disqualified (§630.170).

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Transportation
Department of Mental Health
Department of Corrections
Department of Revenue
Department of Social Services
Department of Public Safety
 – Missouri State Highway Patrol
Missouri Gaming Commission
Office of Prosecution Services
Office of Secretary of State
Office of State Public Defender
Linn State Technical College
Truman State University
University of Missouri
School District of Kansas City



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